

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>COMBINED DECLARATION AND POWER OF ATTORNEY COVER SHEET</b>		ATTORNEY DOCKET NO. <b>70020.0077USWO</b>		
		U.S. APPLICATION SERIAL NO. <b>10/586,187</b>	CONFIRMATION NO. <b>4887</b>	
		BASED ON INTERNATIONAL APPLICATION NO. <b>PCT/JP2005/000346</b>		
		INTERNATIONAL FILING DATE <b>January 14, 2005</b>		
INVENTOR(S) <b>Toru KIMURA, et al.</b>		EXAMINER (If known) <b>Not Assigned</b>		ART UNIT (If known) <b>1756</b>
TITLE OF APPLICATION <b>UPPER LAYER FILM FORMING COMPOSITION FOR LIQUID IMMERSION AND METHOD OF FORMING PHOTORESIST PATTERN</b>				

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Enclosed herewith is an executed Combined Declaration and Power of Attorney  
in the above-captioned application.

July 31, 2007

Date

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Respectfully submitted,

MERCHANT & GOULD, P.C.



Christopher W. Raimund  
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**23552**

Patent & Trademark Office

# MERCHANT & GOULD P.C.

<h2>COMBINED DECLARATION AND POWER OF ATTORNEY</h2>		ATTORNEY DOCKET NO.	
		FIRST NAMED INVENTOR Toru KIMURA, et al.	
<input type="checkbox"/> Declaration Submitted with initial filing <b>OR</b> <input type="checkbox"/> Declaration Submitted after initial filing (surcharge (37 CFR 1.16(e)) required)		U.S. APPLICATION SERIAL NO. (If known)	
		CONFIRMATION NO.	
		FILING DATE (If known)	
		GROUP ART UNIT (If known)	
		EXAMINER (If known)	

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

*(Title of the Invention)*

UPPER LAYER FILM FORMING COMPOSITION FOR LIQUID IMMERSION AND METHOD OF FORMING PHOTORESIST PATTERN

The specification of which:

a. ☐ is attached hereto;

**OR**

b. ☒ was filed on 14 January 2005  
as United States Application Serial No. \_\_\_\_\_  
or PCT International Application Number PCT/JP2005/000346  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below, by checking the appropriate box, any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. ☐ no such applications have been filed.

b. ☒ such applications have been filed as follows:

PRIOR FOREIGN APPLICATION(S)					
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	PRIORITY CLAIMED	
				YES	NO
JAPAN	2004-008466	15, January, 2004		<input checked="" type="checkbox"/>	<input type="checkbox"/>
JAPAN	2004-185706	24, June, 2004		<input checked="" type="checkbox"/>	<input type="checkbox"/>
JAPAN	2004-233463	10, August, 2004		<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

PRIOR US AND PCT APPLICATIONS		
U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL PATENT APPLICATIONS	
U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

## Duty of Disclosure

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

### 37 CFR § 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
- (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

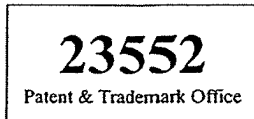
- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

## Power of Attorney and Correspondence Address Indication

I hereby appoint the attorney(s) and/or patent agent(s) associated with customer number:



to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith. Please direct all correspondence to the address associated with this Customer Number.

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name of Inventor	Family Name KIMURA	First Given Name Toru	Second Given Name	
0	Residence & Citizenship	City Tokyo	State or Foreign Country Japan	Country of Citizenship Japan	
1	Mailing Address	Address c/o JSR Corporation, 5-6-10, Tsukiji, Chuo-ku	City Tokyo	State/Country Japan	Zip Code 104-8410
Signature of Inventor <i>Toru Kimura</i>				Date <i>July 6th 2006</i>	

2	Full Name of Inventor	Family Name NISHIMURA	First Given Name Yukio	Second Given Name	
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2	Mailing Address	Address c/o JSR Corporation, 5-6-10, Tsukiji, Chuo-ku	City Tokyo	State/Country Japan	Zip Code 104-8410
Signature of Inventor <i>Yukio Nishimura</i>				Date <i>July 31st, 2006</i>	

2	Full Name of Inventor	Family Name UTAKA	First Given Name Tomohiro	Second Given Name	
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Signature of Inventor <i>Tomohiro Utaaka</i>				Date <i>July 31st, 2006</i>	

2	Full Name of Inventor	Family Name NEMOTO	First Given Name Hiroaki	Second Given Name	
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Signature of Inventor <i>Hiroaki Nemoto</i>				Date <i>July 31st, 2006</i>	

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Signature of Inventor <i>Atsushi Nakamura</i>				Date <i>Aug 1st 2006</i>	

☒ Additional Inventors are being named on the supplemental sheet attached hereto.

# COMBINED DECLARATION AND POWER OF ATTORNEY

## ADDITIONAL INVENTOR(S) SUPPLEMENTAL SHEET 1

ATTORNEY DOCKET NO.

U.S. APPLICATION SERIAL NO. (If known)

FILING DATE (If known)

2	Full Name of Inventor	Family Name CHIBA	First Given Name Takashi	Second Given Name	
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Signature of Inventor <i>Takashi Chiba</i>				Date Aug. 1st, 2006	

2	Full Name of Inventor	Family Name NAKAGAWA	First Given Name Hiroki	Second Given Name	
0	Residence & Citizenship	City Tokyo	State or Foreign Country Japan	Country of Citizenship Japan	
7	Mailing Address	Address c/o JSR Corporation, 5-6-10, Tsukiji, Chuo-ku	City Tokyo	State/Country Japan	Zip Code 104-8410
Signature of Inventor <i>Hiroki Nakagawa</i>				Date 1st Aug. 2006	

2	Full Name of Inventor	Family Name	First Given Name	Second Given Name	
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship	
8	Mailing Address	Address	City	State/Country	Zip Code
Signature of Inventor				Date	

2	Full Name of Inventor	Family Name	First Given Name	Second Given Name	
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship	
9	Mailing Address	Address	City	State/Country	Zip Code
Signature of Inventor				Date	

2	Full Name of Inventor	Family Name	First Given Name	Second Given Name	
1	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship	
0	Mailing Address	Address	City	State/Country	Zip Code
Signature of Inventor				Date	

☐ Additional Inventors are being named on the supplemental sheet attached hereto.